

The article was alleged to be misbranded in that the designation of the article, "Epsolin (Epsom Salt Comp.)" on the label, was false and misleading in that it indicated that the physiological effects produced by the article were due to Epsom salt; whereas they were due to phenolphthalein and aloin.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26489. Misbranding of Videx. U. S. v. 183 and 445 Packages of Videx. Default decree of condemnation and destruction. (F. & D. nos. 37366, 87367. Sample nos. 57204-B, 57205-B.)

This case involved shipments of Videx that consisted essentially of amidopyrine and starch, that was a dangerous drug, and the labeling of which bore false and fraudulent curative and therapeutic claims.

On March 20, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 and 445 packages of Videx at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 7 and October 10, 1935, by Grove Laboratories, Inc., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Videx Harmless, * * * a harmless tablet * * * Safe to Use * * * Videx imposes no penalties for its use * * * It is non-toxic * * * It does not impede or interfere with the natural processes."

Analysis showed that the article consisted essentially of amidopyrine (2.6 grains per tablet) and starch.

The article was alleged to be misbranded in that the statement on the small envelope containing the said article of drugs, "Harmless", was false and misleading since the said article was capable of producing harm; and in that the statements in the circular accompanying each package of said article of drugs, to wit, "* * * a harmless tablet * * * Safe to Use * * * Videx imposes no penalties for its use * * * It is non-toxic * * * It does not impede or interfere with the natural processes", was false and misleading since the said article of drugs was not safe or harmless and might have interfered with the natural processes; and in that the above statements together with others appearing upon and within the packages containing the said article of drugs, were false and misleading and tended to lead the purchaser to believe that the said article of drugs was a safe and an appropriate remedy for the diseased conditions named in the labeling; whereas the said article of drugs was not safe and was not an appropriate remedy but was a dangerous drug; and in that said statements regarding the curative or therapeutic effect of the said article were false and fraudulent since they tended to lead the purchaser to believe that the said article of drugs was a safe and an appropriate remedy for the diseased conditions named in the labeling; whereas the article of drugs was not a safe and an appropriate remedy but was a dangerous drug.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26490. Misbranding of The Owl Norwegian Cod Liver Oil. U. S. v. 39 Bottles of The Owl Norwegian Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 37372. Sample no. 60679-B.)

This case involved an interstate shipment of The Owl Norwegian Cod Liver Oil, the label of which bore false and fraudulent statements regarding its curative or therapeutic effect.

On March 16, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bottles of an article, labeled "The Owl Norwegian Cod Liver Oil", at Salt Lake City, Utah, alleging that it had been shipped in interstate commerce on or about November 11, 1935, by the United Drug Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the statement regarding the curative or therapeutic effect of the article, "Recommended in the treatment of Pulmonary Affections Coughs * * * and General Debility", appearing on the label, falsely and fraudulently represented that the article was effective in the treatment of pulmonary affections, coughs, and general debility.

On May 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26491. Misbranding of McKesson's Milk of Magnesia Tooth Paste. U. S. v. 2,448 Dozen Packages of McKesson's Milk of Magnesia Tooth Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37373. Sample no. 46344-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 16, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,448 dozen packages of McKesson's Milk of Magnesia Tooth Paste at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 7, 1936, by McKesson & Robbins, Inc., from Bridgeport, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium carbonate, magnesium hydroxide, borax, glycerin, talc, soap, and water flavored with peppermint and colored pink.

The article was alleged to be misbranded in that the following statements contained in a circular shipped with the article, "Bleeding gums, the forerunner of the dreaded pyorrhea, known as Gingivitis and Vincent's Disease, commonly known as Trench Mouth, are distinctly benefitted by its use", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On March 21, 1936, McKesson & Robbins, Inc., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the circulars be removed and destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26492. Misbranding of Holford's Famous Inhaler. U. S. v. 213 Bottles of Holford's Famous Inhaler. Default decree of condemnation and destruction. (F. & D. no. 37375. Sample no. 52220-B.)

This case involved an interstate shipment of Holford's Famous Inhaler the label and package of which bore and contained false and fraudulent representations as to the curative or therapeutic effects of the article.

On March 17, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of Holford's Famous Inhaler at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1936, by the Holford Co., from Minneapolis, Minn., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material including lavender flowers and mustard seed, and mustard oil.

The article was alleged to be misbranded in that statements regarding the curative or therapeutic effect of the article, borne on the bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article was effective to relieve the discomfort and distress of headaches, catarrh, asthma, hay fever, and sinus trouble; was effective to relieve headaches from various causes, colds in the lungs, sore throat, coughing, tonsillitis, toothaches, and neuralgia; was effective to cure cold sores; was effective to prevent fainting spells; and was effective to relieve distress from troubles which affect the head and throat.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.